



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,588	12/20/2001	Christina Chow	40655.3800	8373

7590 06/17/2005

Thomas J. Finn
Snell & Wilmer L.L.P.
400 East Van Buren
One Arizona Center
Phoenix, AZ 85004-2202

EXAMINER

KARMIS, STEFANOS

ART UNIT	PAPER NUMBER
----------	--------------

3624

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/032,588	CHOW ET AL:	
	Examiner	Art Unit	
	Stefano Karmis	3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3624

DETAILED ACTION

1. The following communication is in response to Applicant's amendment filed on 23 February 2005.

Status of Claims

2. Claims 1, 3-5, and 8-13 are currently amended. Claims 2, 6, and 7 are left as originally filed.

Response to Arguments

3. Applicant's arguments, filed 23 February 2005, with respect to the rejection(s) of claim(s) 1-13 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made as discussed below.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for

Art Unit: 3624

patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-3, 5-9 and 11-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Weiss et al. (hereinafter Weiss) U.S. Patent 6,354,490.

Regarding independent claims 1, 11 and 12, Weiss discloses a brokerage account application method comprising the steps of:

receiving data from an applicant (column 14, lines 1-11);

forwarding said data to a credit bureau system for credit decisioning (column 14, lines 26-34);

obtaining, in a real-time environment, a credit decision relating to said applicant from said credit bureau system (column 14, lines 35-50);

in response to a favorable credit decision, opening a brokerage account for said applicant (column 14, lines 51-63, column 15, lines 14-64);

invoking a securities processing system to facilitate an activation of said account and use of said account (column 17, lines 36-54).

Claim 2, the step of forwarding is accomplished utilizing a distributed credit bureau communication system (column 14, lines 26-34 and Figures 4A-4D).

Art Unit: 3624

Claim 3, receiving data from said applicant comprises receiving data from said applicant over a distributed network (column 14, lines 1-11 and Figures 4A-4D).

Claim 5, further comprising the step of capturing data in an accounts database (column 6, lines 31-45).

Claim 6, formatting said captured data into a format acceptable by said credit bureau system (column 14, lines 35-40).

Claim 7, wherein the steps are performed in real time (column 14, lines 35-40).

Claim 8, further comprising the step of facilitating communication with a trading system to obtain user-authentication information used for trading (column 17, lines 36-54 and column 14, line 64 thru column 15, line 15).

Claim 9, facilitating communication with a trading system to obtain user-authentication information comprises facilitating communication with said trading system to obtain at least one of a username and a password (column 14, line 64 thru column 15, line 15).

Claim 13, a server for processing said application data and interfacing with said credit bureau, wherein said credit bureau system receives said application data and generates a credit decision and approval notification thereto (column 14, lines 26-34 and Figures 4A-4D).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claims 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weiss et al. (hereinafter Weiss) U.S. Patent 6,354,490.

Claim 4, Weiss teaches opening a brokerage account (Abstract). Weiss fails to teach the step of opening a brokerage account comprises opening a brokerage account with a pre-established trading limit. Official Notice is taken that pre-established trading limits are old and

Art Unit: 3624

well known in the financial arts. Therefore it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Weiss and include pre-established trading limits because they it is common practice to regulate transactions associated with a brokerage account.

Claim 10, Weiss teaches a modem to facilitate a credit decision in real time (column , lines 35-40 and Figures 4C. Weiss fails to specify obtaining a credit decision in less than two minutes. Official Notice is taken that obtaining a decision in a specified period of time is old and well known in the art. Therefore it would have been obvious to one of ordinary skill in the art to modify the teachings of Weiss and include a decision in less than 2 minutes because it would specify a threshold when the decision is no longer considered to be in real time.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefano Karmis whose telephone number is (571) 272-6744. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3624

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully Submitted
Stefano Karmis
01 June 2005



HANI M. KAZIMI
PRIMARY EXAMINER